

**PART 150—EXEMPTIONS AND  
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UNDER SECTION 274**

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ed, sec. 274, 73 Stat. 688 (42 U.S.C. 2201, 2021);  
sec. 201, 88 Stat. 1242, as amended (42 U.S.C.  
5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504  
note).

Sections 150.3, 150.15, 150.15a, 150.31, 150.32  
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935, as amended, secs. 83, 84, 92 Stat. 3033,  
3039 (42 U.S.C. 2014e(2), 2111, 2113, 2114). Sec-  
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930, as amended (42 U.S.C. 2073). Section  
150.15 also issued under secs. 135, 141, Pub. L.  
97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155,  
10161). Section 150.17a also issued under sec.  
122, 68 Stat. 939 (42 U.S.C. 2152). Section 150.30  
also issued under sec. 234, 83 Stat. 444 (42  
U.S.C. 2282).

SOURCE: 27 FR 1352, Feb. 14, 1962, unless  
otherwise noted.

GENERAL PROVISIONS

**§ 150.1 Purpose.**

The regulations in this part provide certain exemptions to persons in Agreement States from the licensing requirements contained in chapters 6, 7, and 8 of the Act and from the regulations of the Commission imposing requirements upon persons who receive, possess, use or transfer byproduct material, source, or special nuclear material in quantities not sufficient to form a critical mass; and to define activities in Agreement States and in offshore waters over which the regulatory authority of the Commission continues. The provisions of the Act, and regulations of the Commission apply to all persons in Agreement States and in offshore waters engaging in activities over which the regulatory authority of the Commission continues.

[46 FR 44151, Sept. 3, 1981]

**§ 150.2 Scope.**

The regulations in this part apply to all States that have entered into agreements with the Commission or the Atomic Energy Commission pursuant to subsection 274b of the Act. This part also gives notice to all persons who knowingly provide to any licensee, applicant for a license or certificate or quality assurance program approval, holder of a certificate or quality assurance program approval, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's, certificate holder's, quality assurance program approval holder's or applicant's activities subject to this part, that they may be individually subject to

## Nuclear Regulatory Commission

## § 150.3

NRC enforcement action for violation of §§ 30.10, 40.10, 70.10 and 71.11.

[63 FR 1901, Jan. 13, 1998]

### § 150.3 Definitions.

As used in this part:

*Act* means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

*Agreement State* means any State with which the Commission or the Atomic Energy Commission has entered into an effective agreement under subsection 274b of the Act. *Nonagreement State* means any other State.

*Byproduct material* means: (1) Any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material; or (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute *byproduct material* within the definition.

*Commission* means the Nuclear Regulatory Commission or its duly authorized representatives;

*Foreign obligations* means the commitments entered into by the U.S. Government under Atomic Energy Act (AEA) section 123 agreements for cooperation in the peaceful uses of atomic energy. Imports and exports of material or equipment pursuant to such agreements are subject to these commitments, which in some cases involve an exchange of information on imports, exports, retransfers with foreign governments, peaceful end-use assurances, and other conditions placed on the transfer of the material or equipment. The U.S. Government informs the licensee of obligations attached to material.

*Government agency* means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or

other establishment in the executive branch of the Government.

*Offshore waters* means that area of land and water, beyond Agreement States' Submerged Lands Act jurisdiction, on or above the U.S. Outer Continental Shelf.

*Person* means: (1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, and State or any political subdivision of any political entity within a State, and any legal successor, representative, agent, or agency of the foregoing other than Government agencies;

*Production facility* means:

(1) Any equipment or device determined by rule of the Commission to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, including a uranium enrichment facility; or

(2) Any important component part especially designed for such equipment or device as determined by the Commission.

*Source material* means: (1) Uranium, thorium, or any other material which is determined by the Commission pursuant to the provisions of section 61 of the Act to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Commission may by regulation determine from time to time;

*Special nuclear material* means: (1) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the Act, determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing but does not include source material;

*State* means any State, the District of Columbia, Puerto Rico, and any territory or possession of the United States; and

*Utilization facility* means: (1) Any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such